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SOUTHERN RY. CO. *v.* LEWIS.

Jan. 11, 1912.

[73 S. E. 469.]

1. Master and Servant (§§ 101, 102*)—Master's Duty—Safe Appliances.—An employer is not bound to use the newest and best appliances, but only to furnish those of reasonable safety according to the usages of the business.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 135, 174-184, 192; Dec. Dig. §§ 101, 102.* 9 Va.-W. Va. Enc. Dig. 674.]

2. Master and Servant (§§ 101, 102*)—Master's Duty—Safe Place of Work.—An employer need use only ordinary care to provide a reasonably safe place of work, considering the character of the work, not being an insurer against injury.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 135, 171-184, 192; Dec. Dig. §§ 101, 102.* 9 Va.-W. Va. Enc. Dig. 669.]

3. Negligence (§ 121*)—Burden of Proof.—The burden is upon plaintiff to prove negligence in an action for resulting damages.

[Ed. Note.—For other cases, see Negligence, Cent. Dig. §§ 224-228; Dec. Dig. § 121.* 10 Va.-W. Va. Enc. Dig. 402.]

4. Master and Servant (§ 278*)—Injuries—Sufficiency of Evidence—Negligence.—In a switchman's action for personal injuries by being struck by a switch stand while riding on the side of a car, evidence held not to show that defendant was negligent in setting the switch stand too close to the track.

[Ed. Note.—For other cases, see Master and Servant, Dec. Dig. § 278.* 9 Va.-W. Va. Enc. Dig. 672.]

Error to Corporation Court of Danville.

Action by W. T. Lewis against the Southern Railway Company. Judgment for plaintiff, and defendant brings error. Reversed.

William Leigh, for plaintiff in error.

B. H. Cluster and *R. W. Peatross*, for defendant in error.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.